

Derek W. Loeser (admitted *pro hac vice*)  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com

Lesley E. Weaver (SBN 191305)  
BLEICHMAR FONTI & AULD LLP  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com

*Plaintiffs' Co-Lead Counsel*

*[Additional counsel listed on signature page]*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**PLAINTIFFS' ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIALS  
SHOULD BE SEALED AND TO  
TEMPORARILY FILE UNDER SEAL  
PLAINTIFFS' NOTICE OF MOTION,  
MOTION, MEMORANDUM IN  
SUPPORT OF MOTION FOR  
SANCTIONS AND JOINT  
DECLARATION IN SUPPORT**

**CIVIL L.R. 7-11 and 79-5(f)**

Judge: Hon. Vince Chhabria and  
Hon. Jacqueline Scott Corley  
Courtroom: 4, 17th Floor

Pursuant to Civil Local Rules 7-11 and 79-5(f) and the Stipulated Protective Order entered by the Court on August 17, 2018 (Dkt. No. 122), Plaintiffs hereby submit this Administrative Motion to Consider Whether Another Party's Materials Should be Sealed and to Temporarily File Under Seal the following Documents:

|   | <b>Document</b>   | <b>Portions Sought to be Sealed</b>  | <b>Evidence Offered in Support of Sealing</b>   |
|---|---|--|---|
| 1 | Plaintiffs' Notice of Motion, Motion, and Memorandum in Support of Motion for Sanctions   | <p>Portions of the Memorandum in Support that include material Facebook has designated Confidential under the Protective Order in this action.</p> <p>Portions of the Memorandum in Support that include material Plaintiffs have designated Confidential under the Protective Order in this action.</p> <p>Portions of the Memorandum in Support that include material designated by a third party as Confidential.</p> | <p>Designating party to provide evidence, per Local Rule 79-5(f)</p> <p>Plaintiffs will file a particularized motion to seal such materials within one week.</p> <p>Designating party to provide evidence, per Local Rule 79-5(f)</p> |
| 2 | Joint Declaration of Derek W. Loeser and Lesley E. Weaver in Support of Plaintiffs' Notice of Motion, Motion, and Memorandum in Support of Motion for Sanctions and Exhibits 1 to 68 thereto. | <p>Portions of the Memorandum in Support that include material Plaintiffs have designated Confidential under the Protective Order in this action.</p> <p>The exhibits to the Declaration that Facebook has designated Confidential under the Protective Order in this action.</p> <p>The exhibits to the Declaration that include material designated by a third party as Confidential.</p>                              | <p>Plaintiffs will file a particularized motion to seal such materials within one week.</p> <p>Defendant to provide evidence, per Local Rule 79-5(f)</p> <p>Designating party to provide evidence</p>                                 |

Plaintiffs move for leave to temporarily file under seal these submissions—which contain

contain, reference, or summarize materials designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order entered in this action. Pursuant to Local Rule 79-5(f)(3), Defendant, as the Designating Party, bears the responsibility to establish that its designated material is sealable.

Further Plaintiffs respectfully request that Plaintiffs’ time to file a statement and declaration in support of sealing be enlarged by one week because, among other factors, the confidential materials cited include transcripts from depositions for which the confidentiality designations and errata have not yet been provided and because Plaintiffs require sufficient time to confirm the confidential nature of certain other materials. Facebook does not oppose Plaintiffs filing of Plaintiffs’ Notice of Motion, Motion, Memorandum in Support of Motion for Sanctions, Joint Declaration in Support, and the exhibits thereto temporarily under seal, and this temporary sealing will not affect the schedule of this action.

Pursuant to Civil Local Rule 79-5(f), the Declaration of Matthew S. Melamed in Support of Plaintiffs’ Administrative Motion to File Under Seal Portions of Plaintiffs’ Notice of Motion, Motion, and Memorandum In Support of Motion for Sanctions, which attaches the following documents, accompanies this motion:

- (1) An unredacted version of the Plaintiffs’ Notice of Motion, Motion, and Memorandum in Support of Motion for Sanctions. Because this document is temporarily sealed in its entirety a redacted version has not been provided; and
- (2) An unredacted version of the Joint Declaration of Derek W. Loeser and Lesley E. Weaver in Support of Plaintiffs’ Notice of Motion, Motion, and Memorandum in Support of Motion for Sanctions, and Exhibits 1-55 thereto. Because these documents are temporarily sealed in their entirety a redacted version has not been provided.

In light of the foregoing, Plaintiffs respectfully submit this pleading in connection with the filings referenced above.

Dated: March 11, 2022

Respectfully submitted,

KELLER ROHRBACK L.L.P.

By: /s/ Derek W. Loeser  
Derek W. Loeser

Derek W. Loeser (admitted *pro hac vice*)  
Cari Campen Laufenberg (admitted *pro hac vice*)  
David Ko (admitted *pro hac vice*)  
Adele A. Daniel (admitted *pro hac vice*)  
Benjamin Gould (SBN 250630)  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com  
claufenberg@kellerrohrback.com  
dko@kellerrohrback.com  
adaniel@kellerrohrback.com  
bgould@kellerrohrback.com

Christopher Springer (SBN 291180)  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel.: (805) 456-1496  
Fax: (805) 456-1497  
cspringer@kellerrohrback.com

Eric Fierro (admitted *pro hac vice*)  
3101 North Central Avenue, Suite 1400  
Phoenix, AZ 85012  
Tel: (602) 248-0088  
Fax: (602) 248-2822  
efierro@kellerrohrback.com

BLEICHMAR FONTI & AULD LLP

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

Lesley E. Weaver (SBN 191305)  
Anne K. Davis (SBN 267909)  
Matthew S. Melamed (SBN 260272)  
Angelica M. Ornelas (SBN 285929)  
Joshua D. Samra (SBN 313050)  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
adavis@bfalaw.com  
mmelamed@bfalaw.com  
aornelas@bfalaw.com  
jsamra@bfalaw.com

*Plaintiffs' Co-Lead Counsel*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)**

I, Derek W. Loeser, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of March, 2022, at Seattle, Washington.

By: /s/ Derek W. Loeser  
Derek W. Loeser